

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

BRENDA K. TOBEY,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 9:16-01580-TMC-BM
v.	)	
	)	<b>ORDER</b>
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff, Brenda Tobey, brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for Disability Insurance Benefits (“DIB”) pursuant to the Social Security Act. (ECF No. 1). This matter is before the court for review of the Report and Recommendation (“Report”) of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 (D.S.C.). (ECF No. 32). The Report recommends that the Commissioner’s decision affirmed because the “record contains substantial evidence to support the conclusion of the Commissioner that the Plaintiff was no longer disabled within the meaning of the Social Security Act as of April 1, 2011.” (ECF No. 32 at 11). Plaintiff was notified of her right to file objections to the Report. (ECF No. 32 at 12). However, Plaintiff has not filed any objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough and careful review of the record, the court adopts the Report of the Magistrate Judge (ECF No. 32), which is incorporated herein by reference. Accordingly, the Commissioner’s final decision is **AFFIRMED** because there is substantial evidence to support the finding that Plaintiff was no longer disabled within the meaning of the Social Security Act as of April 1, 2011.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
December 19, 2017

#### NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.